



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

May 19, 2016

Waiver 16-04-006

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Lia Felker is a Clinical Assessment and Transitions Services/Therapist II with the Behavioral Health Crisis Services Division at the Department of Health and Human Services (DHHS). She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she can be employed by Aspire Counseling (The Child Center and Adult Services, Inc. D/B/A Aspire Counseling) as a therapist in Aspire Counseling's main office.

Aspire Counseling operates several different programs. DHHS has a contract with Aspire Counseling that relates to Aspire Counseling's Healthy Mothers, Healthy Babies Program, a community-based specialty program separate from Aspire Counseling's main office clinical activities. Ms. Felker's proposed employment as a therapist in the main office does not involve any aspect of the DHHS-funded program. Thus, her work at Aspire Counseling is unrelated to Aspire Counseling's contract with Montgomery County. Also, in her position with the County, Ms. Felker will not be making any decisions related to the contract that Montgomery County has with Aspire Counseling.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Ms. Felker recusing herself from providing services for Aspire Counseling involving a person she knows to be a client of DHHS; furthermore, Ms. Felker may not, in her official capacity, refer DHHS clients to Aspire Counseling.

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100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670 FAX: 240.777.6672

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Felker.

For the Commission:



Steven Rosen, Chair